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May 27, 2020

Via electronic filing

Hon. Robert B. Kugler, U.S.D.J.
United States District Court
4th & Cooper Streets
Camden, NJ 08101

Re: *Dwelling Place Network, et al. v. Philip D. Murphy, et al.*
Civil Action No. 1:20-cv-6281-RBK-AMD

Request to Stay Preliminary Injunction Motion/Order to Show
Cause Proceedings Pending Disposition of Motion for
Consolidation

Dear Judge Kugler:

As the Court is aware, Defendants, having now been noticed with this above-captioned matter, are moving for consolidation, pursuant to Fed. R. Civ. P. 42 and Local Civil Rule 42.1, of this matter with the matter of *Rev. Kevin Robinson & Rabbi Yisrael A. Knopfler v. Philip D. Murphy & Col. Patrick J. Callahan*, Civil Action No. 2:20-cv-5420-CCC-ESK. As the motion details,¹ both this matter and *Robinson* (the earlier docket) concern plaintiffs' challenge to limitations on gatherings set forth by Executive Orders entered by Governor Murphy in response to the COVID-19 pandemic and, specifically, the effect on their religious gatherings. They claim the same or substantially similar constitutional violations.

¹ A copy of the brief in support of the motion to consolidate, filed in the *Robinson* matter pursuant to Local Civil Rule 42.1, is attached hereto for reference only.



May 27, 2020

Page 2

Both sets of plaintiffs have moved for preliminary injunctive relief: the *Robinson* plaintiffs earlier in May, and these Plaintiffs yesterday. In *Robinson*, Defendants are filing their opposition to the motion today and the plaintiffs' reply is due June 1. Defendants also are now aware of the Court's order to show cause in this matter, entered yesterday in response to the Plaintiffs' *ex parte* application, which directs that Defendants submit a brief by June 2, and that a hearing be held on June 4. (D.E. 7).

Although this Court will not decide the motion for consolidation, Defendants respectfully request that the Court stay further proceedings on the *Dwelling House Network* motion for preliminary injunctive relief/order to show cause, including the scheduled briefing deadlines and preliminary injunction hearing, pending the *Robinson* court's decision on that motion. They do so for the same reasons that generally warrant consolidation of actions sharing common questions of law or fact, Fed. R. Civ. P. 42, and for the same reasons for which consolidation is being sought in this matter. In light of the emergent nature of these proceedings, defendants in *Robinson* have requested that that motion for consolidation be heard on short notice, pursuant to Local Rule 7.1(b)(1).

Thank you for the Court's attention to this matter.

Respectfully submitted,

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By: /s/ Daniel M. Vannella
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Enclosure

cc: All counsel of record